

Application Serial No. 10/082,097
Submission with RCE dated January 22, 2004
Reply to final Office action of July 22, 2003

REMARKS

Claims 1 through 3 are pending in this application. Reconsideration is requested based on the following remarks.

Rejections under 35 U.S.C. § 103:

Claim 1 was rejected under 35 U.S.C. § 103 as being unpatentable over Hama et al., US 5,692,784 in view of Knohl, US 2,712,262, and further in view of Guest, US 4,958,858. The rejection is traversed. Reconsideration is earnestly solicited.

Claim 1 recites, in pertinent part:

"a metallic hook (300) inserted and held between the main body (100) and the cap (200)."

Neither Hama, Knohl nor Guest teach, disclose, or suggest a hook inserted and held between a main body and a cap, contrary to the assertion in the final Office action. In Hama, rather, ring claw 112 may be seen in Figs. 6 and 8 to be entirely within the confines of guide cylinder section 106, rather than between stopper 108 and guide cylinder section 106.

Ring stopper 108 may also be seen to be outside of guide cylinder section 106 in Fig. 6. Ring claw 112 is thus on the opposite side of guide cylinder section 106 from ring stopper 108, rather than between stopper 108 and guide cylinder section 106.

Furthermore, ring claw 112 is described as being in the guide cylinder section 106 at column 1, line 35. The statement at column 1, line 34 to the effect that ring claw 112 is located on the right side of the stopper 108 refers to the end of stopper 108 into which guide cylinder section 106 containing ring claw 112 is inserted.

Furthermore, Knohl shows no second workpiece at all, and thus cannot show a hook inserted and held between a main body and a cap. Similarly, Guest shows no hook at all. Since neither Hama, Knohl nor Guest teach, disclose, or suggest a hook inserted and held between a main body and a cap, their combination cannot, either.

Claim 1 is thus submitted to be allowable. Withdrawal of the rejection of claim 1

is earnestly solicited.

Claim 1 recites further:

"wherein the cap (200) is adhered to the main body (100) by high frequency waves."

Neither Hama, Knohl nor Guest teach, disclose, or suggest a cap adhered to a main body by high frequency waves, as recited in claim 1. In Hama, rather, the stopper 108 is fixed in the left end section of the guide cylinder section 106 by caulking, as described at column 1, lines 24 through 26, rather than adhered by high frequency waves as recited in claim 1. Caulking has very limited strength in tension. It's like putty. Caulking doesn't adhere pieces together, it merely fills gaps in seams. Since caulking has limited strength in tension, the phrase "fixed therein by caulking" at column 1, lines 20 and 21 alludes presumably to sealing the gap between the left end of guide cylinder section 106 and the right end of the joint body 102, rather than adhering them together.

Furthermore, guide cylinder section 106 and joint body 102 are designed to come apart, as described at column 1, lines 51-56, in order to release tube 130. Hama thus teaches away from adhering a cap to a main body, by high frequency waves or otherwise, since if they were adhered together they would not come apart. It is submitted, therefore, that persons of ordinary skill in the art who read Hama for all it contains at the time the invention was made would have been deterred from modifying Hama as proposed in the final Office action.

Furthermore, Knohl shows no second workpiece at all, and thus has nothing to adhere. Finally, Guest uses ultrasonic welding to secure encircling insert collar 14 to throughway 12 at one end of body 11, as shown in Fig. 1 and described at column 1, lines 66-68, rather than to adhere a cap to a main body by high frequency waves, as recited in claim 1. Since neither Hama nor Knohl teach, disclose, or suggest a cap adhered to a main body by high frequency waves, their combination cannot, either. Thus even if the references were combined in the manner proposed in the final Office

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action, the claimed invention would not result.

M.P.E.P. § 2143.02 prohibits any proposed modification that would render a reference unsuitable for its intended purpose. One purpose of the conventional tubing joint 100 described in Hama is to allow tube 130 to be pulled out of tubing joint 100, as described at column 1, lines 55 and 56. That's why the left end section of guide cylinder 106 is fixed in the right end section of the joint body 102 with caulk, as described at column 1, lines 18-20, rather than adhered to it. Hama only wants to seal the joint while it's assembled. Hama wants the joint to be able to be dis-assembled, and caulk will allow that. If the conventional tubing joint 100 of Hama were modified as proposed in the final Office action, however, tube 130 would no longer be able to be pulled out of tubing joint 100. If tube 130 were no longer able to be pulled out of tubing joint 100, conventional tubing joint 100 would be rendered unsuitable for its intended purpose.

M.P.E.P. § 2143.02 also prohibits any proposed modification that would change the principle of operation of a reference. The principle of operation of the conventional tubing joint 100 described in Hama is to allow tube 130 to be pulled out of tubing joint 100, as described at column 1, lines 55 and 56. Tubing joint 100 is thus a temporary fitting. If the conventional tubing joint 100 of Hama were modified as proposed in the final Office action, on the other hand, tube 130 would no longer be able to be pulled out of tubing joint 100. This would change the principle of operation of tubing joint 100 by making it a permanent fitting. Claim 1 is thus submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

New claims 2 and 3 depend from claim 1 and add further distinguishing elements. Neither Hama nor Knohl teach, disclose, or suggest a hook inserted and held between a main body or a cap adhered to a main body by high frequency waves, as discussed above with respect to claim 1. New claims 2 and 3 are thus also submitted to be allowable.

Response to Arguments:

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The Applicant acknowledges with appreciation the consideration of the arguments filed April 8, 2003. The Applicant must insist, however, that ring claw 112 is shown in Figs. 6 and 8 to be entirely within the confines of guide cylinder section 106, rather than between stopper 108 and guide cylinder section 106. The final Office action selects a rightmost surface or edge of cap 108 and a given inner surface of main body 106 and interprets ring claw 112 as being between them because it is lined up underneath the rightmost surface or edge of cap 108 and a given inner surface of main body 106. Fig. 6, however, shows clearly that ring claw 112 is contained entirely within both cap 108 and main body 106, axially or otherwise, and thus cannot be considered to be between them.

Furthermore, Hama doesn't want to adhere left end section of guide cylinder 106 to right end section of the joint body 102, as discussed above, since the purpose of conventional tubing joint 100 described in Hama is to allow tube 130 to be pulled out of tubing joint 100. That's why the left end section of guide cylinder 106 is fixed in the right end section of the joint body 102 with caulk, as described at column 1, lines 18-20, rather than adhered to it. Hama only wants to seal the joint while it's assembled. Hama wants the joint to be able to be dis-assembled, and caulk will allow that. If the conventional tubing joint 100 of Hama were modified as proposed in the final Office action, however, tube 130 would no longer be able to be pulled out of tubing joint 100.

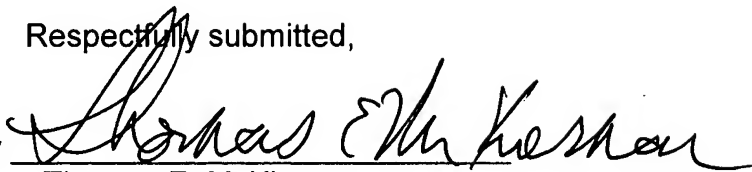
Conclusion:

Accordingly, in view of the reasons given above, it is submitted that claim 1 and new claims 2 and 3 are allowable over the cited references. Since the objections to the specification have been addressed and the claims have been amended to overcome the rejections based on 35 U.S.C. § 112, second paragraph, it is submitted that all of claims 1 through 3 are now allowable. Allowance of claims 1 through 3 and of this entire application are therefore respectfully requested.

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Respectfully submitted,

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